

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
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Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

August 20, 2010

MR DAVID FUELLERMAN
PLANT MANAGER
BUILDING MATERIALS CORPORATION OF AMERICA
2600 SINGLETON BLVD
DALLAS TX 75212-3738

Re: Permit Amendment Application
Permit Number: 7711A
Asphalt Roofing Production Facility
Dallas, Dallas County
Regulated Entity Number: RN100788959
Customer Reference Number: CN602717464
Account Number: DB-0378-S

Dear Mr. Fuellerman:

This is in response to your letter received December 19, 2008 and your Form PI-1 (General Application for Air Preconstruction Permits and Amendments) concerning the proposed amendment to Permit Number 7711A. We understand that you propose to update emissions, authorized under your permit, as a result of recent stack testing on various emissions units located at the site. We further understand that you wish to correct permit representations for units that no longer exist, and you also wish to consolidate by incorporation into this permit Standard Permit Registration Number 81652, which will be voided upon approval of this permit amendment.

As indicated in Title 30 Texas Administrative Code § 116.116(b) and § 116.160 [30 TAC § 116.116(b) and § 116.160], and based on our review, Permit Number 7711A is hereby amended. This information will be incorporated into the existing permit file. Enclosed are revised special conditions pages and a maximum allowable emission rates table to replace those currently attached to your permit. We appreciate your careful review of the special conditions of the permit and assuring that all requirements are consistently met.

No planned maintenance, startup, and shutdown emissions have been reviewed or represented in this application, and none are authorized by this permit.

As of July 1, 2008, all analytical data generated by a mobile or stationary laboratory in support of compliance with air permits must be obtained from a NELAC (National

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Environmental Laboratory Accreditation Conference) accredited laboratory under the Texas Laboratory Accreditation Program or meet one of several exemptions. Specific information concerning which laboratories must be accredited and which are exempt may be found in 30 TAC § 25.4 and § 25.6.

For additional information regarding the laboratory accreditation program and a list of accredited laboratories and their fields of accreditation, please see the following Web site:

http://www.tceq.state.tx.us/compliance/compliance_support/qa/env_lab_accreditation.html

For questions regarding the accreditation program, you may contact the Texas Laboratory Accreditation Program at (512) 239-3754 or by e-mail at labprgms@tceq.state.tx.us.

You may file a **motion to overturn** with the Chief Clerk. A motion to overturn is a request for the commission to review the executive director's decision. Any motion must explain why the commission should review the executive director's decision. According to 30 TAC § 50.139, an action by the executive director is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

A motion to overturn must be received by the Chief Clerk within 23 days after the date of this letter. An original and 11 copies of a motion must be filed with the Chief Clerk in person, or by mail to the Chief Clerk's address on the attached mailing list. On the same day the motion is transmitted to the Chief Clerk, please provide copies to the applicant, the executive director's attorney, and the Public Interest Counsel at the addresses listed on the attached mailing list. If a motion to overturn is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the executive director's approval. According to Texas Health and Safety Code § 382.032, a person affected by the executive director's approval must file a petition appealing the executive director's approval in Travis County district court within 30 days after the effective date of the approval. Even if you request judicial review, you still must exhaust your administrative remedies, which includes filing a motion to overturn in accordance with the previous paragraphs.

Your cooperation in this matter is appreciated. If you need further information or have any questions, please contact Mr. Javier Galván, P.E., at (512) 239-1319 or write to the Texas Commission on Environmental Quality, Office of Permitting and Registration, Air Permits Division, MC-163, P.O. Box 13087, Austin, Texas 78711-3087.

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This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

Sincerely,

Steve Hagle, P.E., Director
Air Permits Division
Office of Permitting and Registration
Texas Commission on Environmental Quality

SH/JG/aw

Enclosures

cc: Latha Kambham, Ph.D., Consultant, Trinity Consultants, Dallas
Ms. Christine M. Otto Chambers, Consultant, Trinity Consultants, Dallas
Section Manager, Air Pollution Control Program, City of Dallas Environmental and
Health Services, Dallas
Air Section Manager, Region 4 - Fort Worth

Project Number: 143272